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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,753

07/20/2006

Catherine Daines

4195-033

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24112 7590 10/06/2008  
COATS & BENNETT, PLLC  
1400 Crescent Green, Suite 300  
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EXAMINER

STELLING, LUCAS A

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10577753	7/20/2006	DAINES ET AL.	4195-033

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**EXAMINER**

Lucas Stelling

ART UNIT	PAPER
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1797	20080930
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**Commissioner for Patents**

1. Amended claims 27-57 are directed to a species that is independent or distinct from the species originally claimed for the following reasons: The original reactor presented in all of the claims of 1- 2-07 was a counter-current reactor. The currently presented claims in the amendment of 7-29-08 are an amended version of those claims changing all instances of counter-current flow to concurrent flow. Concurrent flow reactors and counter current flow reactors are mutually exclusive and distinct species of reactors. An action on the merits has been made on the claims for the counter-current flow reactor species in the Non-Final rejection of 4-29-08.
2. Since applicant has received an action on the merits for the originally presented species, this species has been constructively elected by original presentation for prosecution on the merits. Accordingly, if entered, claims 27-57 would be properly withdrawn from consideration as being directed to a non-elected species, thereby leaving no claims under consideration for action of the merits. See 37 CFR 1.142(b) and MPEP § 821.03.
3. The reply filed on 7-29-08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): under the proposed amendment all claims would be withdrawn as drawn to the non-elected species leaving no claim to be examined on the merits. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

las 9-30-08

/Matthew O Savage/  
Primary Examiner, Art Unit 1797